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DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee

25 July 1984

MEMORANDUM FOR: Director of Central Intelligence

VIA: Deputy Director of Central Intelligence
Director, Intelligence Community Staff
Deputy Director, Intelligence Community Staff

FROM:


Chairman

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SUBJECT: Congressional Presentation on Unauthorized Disclosures

Pursuant to your instructions at the 17 July 1984 IC Staff meeting, attached is another try at a proposed presentation to the Congressional oversight committees on leaks. It stresses the damage done by leaks. The examples cited are sensitive, including SCI. It requests support of a stronger stance throughout the government on unauthorized disclosures and for help in obtaining legislation to facilitate the prosecution of leakers.

Attachment: a/s


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DCI Presentation on Leaks
for Intelligence Oversight Committees

I come before you today because I need the help of the Congress to carry out my statutory responsibility for protecting intelligence sources and methods.

When the National Security Act of 1947 was enacted, there were relatively few recipients of highly sensitive intelligence; the sophisticated technical collection systems which produce a high volume of useful intelligence had not been developed; and the people who used intelligence products seemed to be much more responsible in their treatment of classified information.

Today, things have changed. More people than ever, throughout the government, have come to rely upon regular, in-depth intelligence reporting on a broad range of topics. Much of this reporting is based upon sources and methods that are incredibly susceptible to interdiction, destruction, countermeasures or disinformation. The most difficult change to deal with, however, is the tendency of cleared and trusted individuals to reveal classified intelligence to unauthorized persons. While espionage and treason by Americans remain relatively rare, the revelation of our intelligence secrets to our adversaries through the news media has become a national disgrace. Worse yet, it threatens the credibility of our intelligence in peacetime and the continued existence of our most important intelligence sources and methods in the event of hostilities.

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The problem of leaks has reached unprecedented proportions. Scarcely a day goes by without the publication of some purported information about the U.S. intelligence services, the information they gather, or the operations they conduct.

When I speak of leaks, let me make clear that I am not concerned about such things as premature disclosure of partisan political matters, or "whistle-blowing" about wrongdoing or corruption in public office. My concern about leaks is restricted to the publication of unauthorized disclosures of classified intelligence information.

Leaks, as I define them, are a two-part phenomenon. The news media publish or broadcast the leaked information. The actual unauthorized disclosure is committed by someone who, like you and me, is cleared for official access to the information--someone who has accepted the solemn responsibility not to disclose it except in the performance of his or her duties.

It is for this reason that I speak to you, who regularly and officially receive classified intelligence. We share a grave responsibility and a sacred trust. I am required by the National Security Act of 1947 to protect intelligence sources and methods. Each of you has given your word to protect such information as well. Therefore, it is incumbent upon us who are allied in this effort to help each other combat this pernicious problem.

Unfortunately, the problem lies with some few individuals among us who have official access to intelligence secrets. Since we don't disseminate

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classified intelligence directly to the news media, these individuals are responsible for unauthorized disclosures. They create the problem, not the journalists who simply publish what is given to them.

Why is the publication of unauthorized disclosures of intelligence a serious problem? Because it damages the national security of the United States in several ways. First, it tells our adversaries what we know about their strengths, weaknesses and intentions. It also tells them, directly or indirectly, how we collected the information and advertises the capabilities and vulnerabilities of our collection efforts. Second, it enables hostile nations to predict more effectively how we will respond to the intelligence we gather, tells them how they can stop our collection activities, and finally, it enables them to feed us disinformation through sources and methods we have every reason to trust and rely upon. Over the long term, this could lead to a disaster that would make the Pearl Harbor attack look like a picnic. Third, leaks lead to the loss of agents and the cooperation of intelligence services of friendly foreign countries. When I speak of the loss of agents, I don't necessarily mean the imprisonment or execution of brave people who take incredible risks to support freedom and democracy. Although such things regrettably do happen, our ability to gather vital intelligence is harmed when an agent decides cooperation with U.S. intelligence is too risky, because everything we do seems to appear in the press. Or when another country's intelligence service decides to hold back important data because we don't seem capable of protecting it from unauthorized disclosure, the U.S. intelligence

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effort is severely handicapped. Finally, the economic cost of leaks to the U.S. taxpayer can be staggering. As one intelligence operation after another has its usefulness destroyed by media publicity, we must provide new ways to learn what we must know about the capabilities and intentions of nations whose avowed historical intention is to destroy our system of government and our way of life. Developing human sources is a risky and expensive business. In terms of cost, the development of new technical collection capabilities to replace those which have been compromised and countermeasured is astronomical. The American people can ill afford to have our economy burdened with such unnecessary costs rising from unauthorized disclosures. And yet we cannot afford not to know what our adversaries are about.


Let me give you some illustrations of how the U.S. intelligence effort is harmed by unauthorized disclosures.

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This story could have a severely limiting effect on our ability to recruit agents abroad. If the prospective agent can anticipate that his CIA contact will be identified in the U.S. media, he will have grave doubts about accepting the risks involved.

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It was a COMINT compromise of the worst sort, in that it revealed U.S. capabilities and ongoing operations. The result was that the

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The information underlying this story was

extremely closely held. Whatever advantage may have been gained by release of this information must be measured against jeopardy to our source.

These are only a few of the most serious publications in 1984 of unauthorized disclosures of classified intelligence. In order to do something about this porous situation, we need your help and that of other influential people in the national government. We need to convince a lot of people that leaking intelligence to the press is a dangerous game. Just because our government and our nation are not destroyed by a single leak doesn't mean that we will not eventually suffer devastating damage from the constant revelation of our most sensitive secrets.

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Often, the sources of these unauthorized disclosures do not believe their acts are damaging. Some state they only discuss information that has already been published.

Many unauthorized disclosures are relatively minor. Cumulatively, however, they can be fatal, like the ancient Chinese torture of the death of a thousand cuts. As each bit of information is published, a new piece is handed to our adversaries, enabling them to assemble the mosaic of what we know about them and how we know it.

We need the intelligence oversight committees to help bring a message to the Congress and to the public. We need your help in making it known that when people entrusted with our secrets leak them, they jeopardize our freedom and that such activity will not be tolerated.

I have taken some first steps in the CIA to drive this message home. Recently, I have taken severe actions against certain senior staff and consultant individuals who mishandled classified material. Steps taken have included suspension or revocation of security clearances, termination of employment and referral to the Department of Justice for legal action. Unpleasant though these actions may be, it is essential that others in the government follow suit if we are to introduce a credible element of risk to the act of betraying sensitive intelligence to the media. We need to convince everyone that leaking classified intelligence for the "right reasons" is just as damaging to our security as leaking for the "wrong reasons," including espionage. Current attitudes about leaks are so ingrained that we need a

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clear, unmistakable message that things have changed. Leaks will be investigated and leakers penalized, regardless of their status or their motives.

We need your help also in support of legislation to deal specifically with unauthorized disclosures. Prosecution under the Espionage Act, although theoretically possible in leak cases, has never been successfully undertaken. To prosecute a leak as espionage might strike many people as driving tacks with a sledge hammer. Nevertheless, we must have a legal weapon to use against those who pledge their word to uphold the secrecy of classified information and then dishonor that pledge. The legislation that is needed would penalize government officials who flout their security obligations, but would not affect the freedom of the press in any way. Obtaining such legislation will require broad, bipartisan support in both houses of Congress. Clearly, the help of the intelligence oversight committees would be indispensable.

Finally, we need your help in encouraging responsible parties in all three branches of government to recognize the need to take action to stop the free flow of intelligence information to the media and to our adversaries abroad. Support of this effort by word, action and example would be most welcome.

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